

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1578

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IN THE SENATE OF THE UNITED STATES

MAY 4 (legislative day, APRIL 19), 1993

Received; read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged

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## AN ACT

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Expedited Rescissions  
5       Act of 1993”.

1 **SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PRO-**  
2 **POSED RESCISSIONS.**

3 (a) IN GENERAL.—Part B of title X of the Congres-  
4 sional Budget and Impoundment Control Act of 1974 (2  
5 U.S.C. 681 et seq.) is amended by redesignating sections  
6 1013 through 1017 as sections 1014 through 1018, re-  
7 spectively, and inserting after section 1012 the following  
8 new section:

9 “EXPEDITED CONSIDERATION OF CERTAIN PROPOSED  
10 RESCISSIONS

11 “SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET  
12 AUTHORITY.—In addition to the method of rescinding  
13 budget authority specified in section 1012, the President  
14 may propose, at the time and in the manner provided in  
15 subsection (b), the rescission of any budget authority pro-  
16 vided in an appropriation Act. Funds made available for  
17 obligation under this procedure may not be proposed for  
18 rescission again under this section or section 1012.

19 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

20 “(1) Not later than 3 calendar days after the  
21 date of enactment of an appropriation Act, the  
22 President may transmit to Congress one special mes-  
23 sage proposing to rescind amounts of budget author-  
24 ity provided in that Act and include with that special  
25 message a draft bill that, if enacted, would only re-  
26 scind that budget authority. That bill shall clearly

1 identify the amount of budget authority that is pro-  
2 posed to be rescinded for each program, project, or  
3 activity to which that budget authority relates.

4 “(2) In the case of an appropriation Act that  
5 includes accounts within the jurisdiction of more  
6 than one subcommittee of the Committee on Appro-  
7 priations, the President in proposing to rescind  
8 budget authority under this section shall send a sep-  
9 arate special message and accompanying draft bill  
10 for accounts within the jurisdiction of each such sub-  
11 committee.

12 “(3) Each special message shall specify, with  
13 respect to the budget authority proposed to be re-  
14 scinded, the matters referred to in paragraphs (1)  
15 through (5) of section 1012(a).

16 “(c) PROCEDURES FOR EXPEDITED CONSIDER-  
17 ATION.—

18 “(1)(A) Before the close of the second legisla-  
19 tive day of the House of Representatives after the  
20 date of receipt of a special message transmitted to  
21 Congress under subsection (b), the majority leader  
22 or minority leader of the House of Representatives  
23 shall introduce (by request) the draft bill accom-  
24 panying that special message. If the bill is not intro-  
25 duced as provided in the preceding sentence, then,

1 on the third legislative day of the House of Rep-  
2 resentatives after the date of receipt of that special  
3 message, any Member of that House may introduce  
4 the bill.

5 “(B)(i) The bill shall be referred to the Com-  
6 mittee on Appropriations of the House of Represent-  
7 atives. The committee shall report the bill without  
8 substantive revision, and with or without rec-  
9 ommendation. The bill shall be reported not later  
10 than the seventh legislative day of that House after  
11 the date of receipt of that special message. If the  
12 Committee on Appropriations fails to report the bill  
13 within that period, that committee shall be auto-  
14 matically discharged from consideration of the bill,  
15 and the bill shall be placed on the appropriate cal-  
16 endar.

17 “(ii) The Committee on Appropriations may re-  
18 port to the House, within the 7-legislative-day period  
19 described in clause (i), an alternative bill which—

20 “(I) contains only rescissions to the same  
21 appropriation Act as the bill for which it is an  
22 alternative; and

23 “(II) which rescinds an aggregate amount  
24 of budget authority equal to or greater than the

1           aggregate amount of budget authority rescinded  
2           in the bill for which it is an alternative.

3           “(C) A vote on final passage of the bill referred  
4           to in subparagraph (B)(i) shall be taken in the  
5           House of Representatives on or before the close of  
6           the 10th legislative day of that House after the date  
7           of the introduction of the bill in that House. If the  
8           bill is passed, the Clerk of the House of Representa-  
9           tives shall cause the bill to be engrossed, certified,  
10          and transmitted to the Senate within one calendar  
11          day of the day on which the bill is passed.

12          “(D) Upon rejection of the bill described in  
13          subparagraph (B)(i) on final passage, a motion in  
14          the House to proceed to consideration of the alter-  
15          native bill reported from the Committee on Appro-  
16          priations under subparagraph (B)(ii) shall be highly  
17          privileged and not debatable.

18          “(E) A vote on final passage of the bill referred  
19          to in subparagraph (B)(ii) shall be taken in the  
20          House of Representatives on or before the close of  
21          the 11th legislative day of that House after the date  
22          of the introduction of the bill in that House for  
23          which it is an alternative. If the bill is passed, the  
24          Clerk of the House of Representatives shall cause  
25          the bill to be engrossed, certified, and transmitted to

1 the Senate within one calendar day of the day on  
2 which the bill is passed.

3 “(2)(A) A motion in the House of Representa-  
4 tives to proceed to the consideration of a bill under  
5 this section shall be highly privileged and not debat-  
6 able. An amendment to the motion shall not be in  
7 order, nor shall it be in order to move to reconsider  
8 the vote by which the motion is agreed to or dis-  
9 agreed to.

10 “(B) Debate in the House of Representatives  
11 on a bill under this section shall not exceed 4 hours,  
12 which shall be divided equally between those favoring  
13 and those opposing the bill. A motion further to  
14 limit debate shall not be debatable. It shall not be  
15 in order to move to recommit a bill under this sec-  
16 tion or to move to reconsider the vote by which the  
17 bill is agreed to or disagreed to.

18 “(C) Appeals from decisions of the Chair relat-  
19 ing to the application of the Rules of the House of  
20 Representatives to the procedure relating to a bill  
21 under this section shall be decided without debate.

22 “(3)(A) A bill transmitted to the Senate pursu-  
23 ant to paragraph (1) (C) or (E) shall be referred to  
24 its Committee on Appropriations. The committee  
25 shall report the bill either without substantive revi-

1 sion or with an amendment in the nature of a sub-  
2 stitute, and with or without recommendation. The  
3 bill shall be reported not later than the seventh leg-  
4 islative day of the Senate after it receives the bill.  
5 A committee failing to report the bill within such pe-  
6 riod shall be automatically discharged from consider-  
7 ation of the bill, and the bill shall be placed upon  
8 the appropriate calendar.

9 “(B) A vote on final passage of a bill transmit-  
10 ted to the Senate shall be taken on or before the  
11 close of the 10th legislative day of the Senate after  
12 the date on which the bill is transmitted.

13 “(4)(A) A motion in the Senate to proceed to  
14 the consideration of a bill under this section shall be  
15 privileged and not debatable. An amendment to the  
16 motion shall not be in order, nor shall it be in order  
17 to move to reconsider the vote by which the motion  
18 is agreed to or disagreed to.

19 “(B) Debate in the Senate on a bill under this  
20 section, and all amendments thereto and all debat-  
21 able motions and appeals in connection therewith,  
22 shall not exceed 10 hours. The time shall be equally  
23 divided between, and controlled by, the majority  
24 leader and the minority leader or their designees.

1           “(C) Debate in the Senate on any debatable  
2           motion or appeal in connection with a bill under this  
3           section shall be limited to not more than 1 hour, to  
4           be equally divided between, and controlled by, the  
5           mover and the manager of the bill, except that in  
6           the event the manager of the bill is in favor of any  
7           such motion or appeal, the time in opposition there-  
8           to, shall be controlled by the minority leader or his  
9           designee. Such leaders, or either of them, may, from  
10          time under their control on the passage of a bill,  
11          allot additional time to any Senator during the con-  
12          sideration of any debatable motion or appeal.

13          “(D) A motion in the Senate to further limit  
14          debate on a bill under this section is not debatable.  
15          A motion to recommit a bill under this section is not  
16          in order.

17          “(d) AMENDMENTS AND DIVISIONS GENERALLY  
18          PROHIBITED.—(1) Except as provided by paragraph (2),  
19          no amendment to a bill considered under this section or  
20          to a substitute amendment referred to in paragraph (2)  
21          shall be in order in either the House of Representatives  
22          or the Senate. It shall not be in order to demand a division  
23          of the question in the House of Representatives (or in a  
24          Committee of the Whole) or in the Senate. No motion to  
25          suspend the application of this subsection shall be in order



1 in either House, nor shall it be in order in either House  
2 to suspend the application of this subsection by unanimous  
3 consent.

4 “(2)(A) It shall be in order in the Senate to consider  
5 an amendment in the nature of a substitute reported by  
6 the Committee on Appropriations under subsection  
7 (c)(3)(A) that complies with subparagraph (B).

8 “(B) It shall only be in order in the Senate to con-  
9 sider any amendment described in subparagraph (A) if—

10 “(i) the amendment contains only rescissions to  
11 the same appropriation Act as the bill that it is  
12 amending contained; and

13 “(ii) the aggregate amount of budget authority  
14 rescinded equals or exceeds the aggregate amount of  
15 budget authority rescinded in the bill that it is  
16 amending;

17 unless that amendment consists solely of the text of the  
18 bill as introduced in the House of Representatives that  
19 makes rescissions to carry out the applicable special mes-  
20 sage of the President.

21 “(C) It shall not be in order in the Senate to consider  
22 a bill or an amendment in the nature of a substitute re-  
23 ported by the Committee on Appropriations under sub-  
24 section (c)(3)(A) unless the Senate has voted upon and  
25 rejected an amendment in the nature of a substitute con-

1 sisting solely of the text of the bill as introduced in the  
2 House of Representatives that makes rescissions to carry  
3 out the applicable special message of the President.

4 “(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-  
5 GATION.—Any amount of budget authority proposed to be  
6 rescinded in a special message transmitted to Congress  
7 under subsection (b) shall be made available for obligation  
8 on the earlier of—

9 “(1) the day after the date upon which the  
10 House of Representatives defeats the bill transmit-  
11 ted with that special message rescinding the amount  
12 proposed to be rescinded and (if reported by the  
13 Committee on Appropriations) the alternative bill; or

14 “(2) the day after the date upon which the Sen-  
15 ate rejects a bill or amendment in the nature of a  
16 substitute consisting solely of the text of the bill as  
17 introduced in the House of Representatives that  
18 makes rescissions to carry out the applicable special  
19 message of the President.

20 “(f) DEFINITIONS.—For purposes of this section—

21 “(1) the term ‘appropriation Act’ means any  
22 general or special appropriation Act, and any Act or  
23 joint resolution making supplemental, deficiency, or  
24 continuing appropriations; and

1           “(2) the term ‘legislative day’ means, with re-  
2       spect to either House of Congress, any calendar day  
3       during which that House is in session.”.

4       (b) EXERCISE OF RULEMAKING POWERS.—Section  
5       904 of such Act (2 U.S.C. 621 note) is amended—

6           (1) by striking “and 1017” in subsection (a)  
7       and inserting “1013, and 1018”; and

8           (2) by striking “section 1017” in subsection (d)  
9       and inserting “sections 1013 and 1018”; and

10      (c) CONFORMING AMENDMENTS.—

11           (1) Section 1011 of such Act (2 U.S.C. 682(5))  
12      is amended—

13           (A) in paragraph (4), by striking “1013”  
14      and inserting “1014”; and

15           (B) in paragraph (5)—

16               (i) by striking “1016” and inserting  
17               “1017”; and

18               (ii) by striking “1017(b)(1)” and in-  
19               serting “1018(b)(1)”.

20           (2) Section 1015 of such Act (2 U.S.C. 685)  
21      (as redesignated by section 2(a)) is amended—

22           (A) by striking “1012 or 1013” each place  
23      it appears and inserting “1012, 1013, or  
24      1014”;

1 (B) in subsection (b)(1), by striking  
2 “1012” and inserting “1012 or 1013”;

3 (C) in subsection (b)(2), by striking  
4 “1013” and inserting “1014”; and

5 (D) in subsection (e)(2)—

6 (i) by striking “and” at the end of  
7 subparagraph (A);

8 (ii) by redesignating subparagraph  
9 (B) as subparagraph (C);

10 (iii) by striking “1013” in subpara-  
11 graph (C) (as so redesignated) and insert-  
12 ing “1014”; and

13 (iv) by inserting after subparagraph  
14 (A) the following new subparagraph:

15 “(B) he has transmitted a special message  
16 under section 1013 with respect to a proposed  
17 rescission; and”.

18 (3) Section 1016 of such Act (2 U.S.C. 686)  
19 (as redesignated by section 2(a)) is amended by  
20 striking “1012 or 1013” each place it appears and  
21 inserting “1012, 1013, or 1014”.

22 (d) CLERICAL AMENDMENTS.—The table of sections  
23 for subpart B of title X of such Act is amended—

1           (1) by redesignating the items relating to sec-  
2       tions 1013 through 1017 as items relating to sec-  
3       tions 1014 through 1018; and

4           (2) by inserting after the item relating to sec-  
5       tion 1012 the following new item:

“Sec. 1013. Expedited consideration of certain proposed rescissions.”.

6       **SEC. 3. APPLICATION.**

7       (a) IN GENERAL.—Section 1013 of the Congressional  
8       Budget and Impoundment Control Act of 1974 (as added  
9       by section 2) shall apply to amounts of budget authority  
10      provided by appropriation Acts (as defined in subsection  
11      (f) of such section) that are enacted during the One Hun-  
12      dred Third Congress.

13      (b) SPECIAL TRANSITION RULE.—Within 3 calendar  
14      days after the beginning of the One Hundred Fourth Con-  
15      gress, the President may retransmit a special message, in  
16      the manner provided in section 1013(b) of the Congres-  
17      sional Budget and Impoundment Control Act of 1974 (as  
18      added by section 2), proposing to rescind only those  
19      amounts of budget authority that were contained in any  
20      special message to the One Hundred Third Congress  
21      which that Congress failed to consider because of its sine  
22      die adjournment before the close of the time period set  
23      forth in such section 1013 for consideration of those pro-  
24      posed rescissions. A draft bill shall accompany that special  
25      message that, if enacted, would only rescind that budget

1 authority. Before the close of the second legislative day  
2 of the House of Representatives after the date of receipt  
3 of that special message, the majority leader or minority  
4 leader of the House of Representatives shall introduce (by  
5 request) the draft bill accompanying that special message.  
6 If the bill is not introduced as provided in the preceding  
7 sentence, then, on the third legislative day of the House  
8 of Representatives after the date of receipt of that special  
9 message, any Member of that House may introduce the  
10 bill. The House of Representatives and the Senate shall  
11 proceed to consider that bill in the manner provided in  
12 such section 1013.

13 **SEC. 4. TERMINATION.**

14 The authority provided by section 1013 of the Con-  
15 gressional Budget and Impoundment Control Act of 1974  
16 (as added by section 2) shall terminate 2 years after the  
17 date of enactment of this Act.

18 **SEC. 5. JUDICIAL REVIEW.**

19 (a) EXPEDITED REVIEW.—

20 (1) Any Member of Congress may bring an ac-  
21 tion, in the United States District Court for the Dis-  
22 trict of Columbia, for declaratory judgment and in-  
23 junctive relief on the ground that any provision of  
24 section 1013 (as added by section 2) violates the  
25 Constitution.

1           (2) A copy of any complaint in an action  
2 brought under paragraph (1) shall be promptly de-  
3 livered to the Secretary of the Senate and the Clerk  
4 of the House of Representatives, and each House of  
5 Congress shall have the right to intervene in such  
6 action.

7           (3) Any action brought under paragraph (1)  
8 shall be heard and determined by a three-judge  
9 court in accordance with section 2284 of title 28,  
10 United States Code.

11 Nothing in this section or in any other law shall infringe  
12 upon the right of the House of Representatives to inter-  
13 vene in an action brought under paragraph (1) without  
14 the necessity of adopting a resolution to authorize such  
15 intervention.

16       (b) APPEAL TO SUPREME COURT.—Notwithstanding  
17 any other provision of law, any order of the United States  
18 District Court for the District of Columbia which is issued  
19 pursuant to an action brought under paragraph (1) of sub-  
20 section (a) shall be reviewable by appeal directly to the  
21 Supreme Court of the United States. Any such appeal  
22 shall be taken by a notice of appeal filed within 10 days  
23 after such order is entered; and the jurisdictional state-  
24 ment shall be filed within 30 days after such order is en-  
25 tered. No stay of an order issued pursuant to an action

1 brought under paragraph (1) of subsection (a) shall be  
2 issued by a single Justice of the Supreme Court.

3 (c) EXPEDITED CONSIDERATION.—It shall be the  
4 duty of the District Court for the District of Columbia  
5 and the Supreme Court of the United States to advance  
6 on the docket and to expedite to the greatest possible ex-  
7 tent the disposition of any matter brought under sub-  
8 section (a).

Passed the House of Representatives April 29, 1993.

Attest: DONNALD K. ANDERSON,  
*Clerk.*

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